and sisters of the grandparents and their descendants, while according to the general scheme they should take immediately after the grandparents of the decedent.

It is submitted that this omission has destroyed the symmetry of this great statute of descents and that it should be corrected by the General Assembly with the least possible delay.

E. W.

CURTESY AND DOWER—RECENT LEGISLATIVE CHANGES IN THE LAW OF.—In keeping with the spirit of the times in levelling all barriers in the way of absolute equality between man and woman, the General Assembly at its recent session enacted two statutes that attract our special attention. The law of curtesy and dower, which, with minor exceptions, has remained unchanged for centuries, has now been radically altered to meet the demand for equal rights. The statutes read as follows:

"Be it enacted by the General Assembly of Virginia, That a surviving husband shall, if the wife die testate, be entitled to curtesy in one-third, and if she die intestate and without issue, of this or any former marriage, in all of the real estate, (except her equitable separate estate where the instrument creating the same otherwise provides) whereof his wife, or any other to her use, was at any time during the coverture seized of an estate of inheritance, unless his right to curtesy shall have been lawfully barred or relinquished, and the fact that the husband conveyed or caused the real estate to be conveyed to the wife shall not bar his curtesy therein, nor shall it be a necessary requisite to curtesy that the wife shall have had a child born alive during coverture."

"Be it enacted by the General Assembly of Virginia, That section five thousand one hundred and seventeen of the Code of Virginia be amended and re-enacted to read as follows:

"Sec. 5117. Of what a widow shall be endowed.—A widow shall, *if her husband die testate,* be endowed of one-third, *and if he die intestate and without issue of this marriage, or of a former marriage,* endowed of all the real estate whereof her husband, or any other to his use, was, at any time during coverture, seized of an estate of inheritance, unless her right to such dower shall have been lawfully barred or relinquished."

The result of these statutes, in a word, is to make the law as to curtesy and dower in every respect the same. There follows an enumeration of the effects it will have upon the present law.

(1) A distinction is made between the spouses dying testate and intestate. In case the husband dies testate the law of dower remains unaltered, but if the wife leaves a will the curtesy of the husband is reduced to a one-third life estate. In this case the law of dower is made to apply to curtesy as well.

(2) A distinction is made in the case of intestacy between the

spouses dying with and without issue. If the husband leaves no issue, of this or any former marriage, the wife is entitled to a life estate in *all of the husband's realty,*—quite a radical change in the law of dower. In case the wife dies without issue the husband, as at common law, is entitled to a life estate in the whole, but if she leaves issue his curtesy is reduced to a one-third life estate. So, too, in case of the husband leaving issue, the law of dower remains a one-third life estate.

(3) In order to make the fundamental requirements for dower and curtesy the same it was necessary that one of the elements of curtesy be eliminated. Accordingly it is provided that no issue need be born alive during coverture to entitle the husband to his life estate.

(4) The fact that the husband conveyed the property to the wife does not affect his right to curtesy therein. Prior to this enactment the rule in Virginia was that the husband could claim no curtesy in such of his wife's estate as he himself had conveyed to her without express reservation of his marital rights.[1]

(5) Curtesy is denied the husband in the wife's equitable separate estate where the instrument creating the estate provides otherwise. This is merely declaratory of the existing law.[2]

E. D. H.

PETITION FOR APPEAL, WRIT OF ERROR, OR SUPERSEDEAS.—

1. *Time Limit for Presentment of Petition.* Chapter 41 of the Acts of Assembly, 1922, p. 45, re-enacts § 6337 of Va. Code, 1919, in such manner that the time allowed for the presentation of petitions for writs of error, appeal, or supersedeas is now made uniform in all cases, and no such petition may now be presented in any case more than *six months* after final judgment rendered.

2. *When Appeal, etc., Allowed—When Petition Rejected—When Rejection Final.* Chapter 45 of the Acts of Assembly, 1922, p. 47 re-enacts and amends § 6348 of Va. Code, 1919 and the amendatory act thereto, enacted in 1920 (Act 1920, p. 416). The 1920 amendment repealed § 6349 of the Code and substantially incorporated it in itself. The main purpose and change in this amendment was to allow writs of error to defendants in criminal cases as a matter of right. In the 1922 amendment the language affording such absolute right of appeal in criminal cases is omitted, the words of the 1920 act, "provided that in all criminal cases where petition for a writ of error is presented the same shall be granted as a matter of right," not appearing. It will be noted that this does not affect the constitutional right of the Commonwealth to an appeal in cases of violations of laws relating to the State revenue.[1]

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[1] Jones *v.* Jones, 96 Va. 749, 32 S. E. 463, 4 Va. Law. Reg. 819 (1899); Ratliff *v.* Ratliff, 102 Va. 880, 47 S. E. 1007 (1904).

[2] Chapman *v.* Price, 83 Va. 392, 11 S. E. 879 (1886); Hutchings *v.* Commercial Bank, 91 Va. 68, 20 S. E. 950 (1895).

[1] Va. Const., § 8.